

**AUG 11 2006**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

MICHAEL CARUSO,

Plaintiff - Appellee,

v.

STATE OF OREGON,

Intervenor - Appellant,

and,

YAMHILL COUNTY, an Oregon  
municipal corporation, by and through its  
County Commissioner,

Defendant.

No. 04-35522

D.C. No. CV-03-01731-HA

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the District of Oregon

Ancer L. Haggerty, District Judge, Presiding

Submitted August 7, 2006<sup>\*\*</sup>

Before: SCHROEDER, Chief Judge, REINHARDT and HAWKINS, Circuit  
Judges.

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<sup>\*</sup> This disposition is not appropriate for publication and may not be  
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

04-35522

A review of the district court docket reflects that the docketing and filing fees for this appeal were paid on August 5, 2004. The Clerk shall amend this court's docket to so indicate.

Appellant's unopposed motion for summary reversal is granted. The district court's order is reversed and the matter is remanded for reconsideration in light of *Caruso v. Yamhill County*, 422 F.3d 848 (9th Cir. 2005).

**REVERSED AND REMANDED.**